

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

KEVIN S. DAVIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-497-JMS-TAB
)	
COMMUNITY HOSPITAL EAST,)	
DEPUTY JASON WILSON,)	
)	
Defendants.)	

Entry Dismissing Action and Directing Entry of Final Judgment

I.

A.

Federal claims against Community Hospital East (“CHE”) have been dismissed. The plaintiff has not identified any claim against CHE under Indiana state law. No claims against CHE remain for resolution.

B.

The plaintiff was given through February 16, 2015 in which to supply an address at which defendant Wilson could be served with process. The plaintiff failed to do so. He was given a further period of time, through April 23, 2015 in which to do so. He has again failed to do so, noting only that there are several people with the name Jason Wilson. While that may be, it has been the plaintiff’s responsibility from the outset to supply sufficient information from which the Jason Wilson he has sued in this lawsuit can be served with process. *Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993) (“While *in forma pauperis* plaintiffs should not be penalized for a marshal’s

failure to obtain proper service, it was [the plaintiff's] responsibility to provide proper addresses for service on [the defendants].”), *cert. denied*, 510 U.S. 875 (1993). Because the plaintiff has failed to do so after a prolonged period of having been on notice of his obligation to do so, the claims against Jason Wilson are dismissed without prejudice. *See* Fed.R.Civ.P. 4(m) (“If a defendant is not served within 120 days after the complaint is filed, the court-on motion or on its own after notice to the plaintiff must dismiss the action without prejudice against that defendant . . .”).

II.

All claims against all parties have been resolved. The claims against Community Hospital East are dismissed with prejudice. The claims against Jason Wilson are dismissed without prejudice. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 05/22/2015



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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